

Report Date: January 4, 2019

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 07 2019

SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON DEPUTY

Name of Offender: Robert Lawrence Hardwick

Case Number: 0980 2:15CR00097-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99208

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 28, 2016

Original Offense: Involuntary Manslaughter, 18 U.S.C. §§ 1153 and 1112

Original Sentence: Prison - 41 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Matthew F. Duggan

Date Supervision Commenced: March 1, 2018

Defense Attorney: Federal Defender's Office

Date Supervision Expires: February 28, 2021

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition # 22:</u> The defendant shall abstain from the use of illegal controlled substances.</p> <p><u>Supporting Evidence:</u> Robert Hardwick admitted to using methamphetamine and marijuana on or about December 1, 2018.</p> <p>On March 5, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Hardwick, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.</p> <p>On December 3, 2018, Mr. Hardwick reported to the U.S. Probation Office as instructed by this officer to discuss his living situation and the difficulty the undersigned officer has had in locating him to conduct regular home visits. On that date, the offender submitted to random urinalysis testing which tested presumptive positive for methamphetamine and THC. Mr. Hardwick initially informed he might be positive for THC because marijuana is legal here in Washington. Eventually he admitted to the use of marijuana on or about December 1, 2018, but continued to deny the use of methamphetamine. At that time, the offender signed an admission of use form admitting to the use of marijuana, but denied the use of methamphetamine.</p>

On December 7, 2018, the undersigned officer received confirmation from Alere Laboratory confirming the urine sample collected from Mr. Hardwick on December 3, 2018, was in fact positive for both methamphetamine and THC.

On December 13, 2018, Mr. Hardwick reported to the U.S. Probation Office to meet with this officer. At that time, he was presented with the laboratory results for the urine sample he provided. Mr. Hardwick subsequently admitted to the use of illicit drugs. He signed an admission of use form admitting to the use of both methamphetamine and THC on or about December 1, 2018.

- 2 **Special Condition # 19:** The defendant shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. The defendant shall contribute to the cost of treatment according to his ability to pay. The defendant shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On January 2, 2019, the undersigned officer received confirmation from Goodheart Behavioral Health that the offender had failed to attend substance abuse treatment as required.

On March 5, 2018, an officer from the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Hardwick, as outlined in the judgement and sentence. He signed a copy acknowledging the requirements.

On December 18, 2018, this officer received a voicemail from Shelly Ethrington, Mr. Hardwick's assigned case manager at Goodheart Behavioral Health. In the message, Ms. Ethrington advised, because she had not had any contact with the offender, she would be unsuccessfully discharging him from treatment. Included in that message, Ms. Ethrington also states that the offender advised her he would be coming in, due to a relapse he had, but failed to follow through.

On January 2, 2019, this officer was able to establish contact with Ms. Ethrington. She informed this officer that since beginning treatment in June 2018, Mr. Hardwick has only attended eight group sessions. As of this date, he had only completed 15 treatment hours. Ms. Ethrington did also advise that the offender went into Goodheart Behavioral Health in November 2018 and requested a bus pass. Thinking he was there to attend a treatment group, Mr. Hardwick was given a bus pass, but he left without attending group and they have not seen him since.

During the conversation this officer had with Ms. Ethrington on January 2, 2019, she stated she was scheduled to meet with Mr. Hardwick on January 3, 2019.

On January 3, 2019, the undersigned officer received notification from Ms. Ethrington that Mr. Hardwick failed to attend their scheduled appointment.

On January 4, 2019, this officer attempted to contact Mr. Hardwick, via phone call and text message, to instruct him to report to the United States Probation Office (USPO) by noon to again discuss his failure to engage in treatment. A voicemail was left at both contact

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numbers on file advising Mr. Hardwick to report to the USPO by noon on January 4, 2019. As of the writing of this report, the offender has not responded, either via phone or text, and has not reported as instructed.

The U.S. Probation Office respectfully recommends the Court **issue a warrant** for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/04/2019

s/Amber M.K. Andrade

Amber M. K. Andrade
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

1/7/19
Date